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**Director's Office
Office of Patent Publication**

**ROBERT C. CURFISS
JACKSON WALKER LLP
112 E PECAN SUITE 2100
SAN ANTONIO, TX 78205**

In re Application of
MONROE, DAVID A., et al.
Application No. 09/143,232
Filed: August 28, 1998
Attorney Docket No. 067839.00700

DECISION ON PETITION

This is a decision on the Response To Notice Of Abandonment received in the United States Patent and Trademark Office (USPTO) on September 12, 2005, which is being treated as a Petition To Withdraw Holding Of Abandonment Under 37 CFR 1.181.

The petition is **DISMISSED**.

The above-identified application was held abandoned for Applicants failure to timely pay the issue fee as required in the Notice of Allowance mailed November 4, 2004. The Notice of Abandonment was mailed August 23, 2005.

The Office acknowledges receipt of Part B – Fee(s) Transmittal on February 2, 2005, with executed Certificate of Mailing dated February 3, 2005, authorizing that the Issue Fee be charged to Deposit Account No. 50-3322. Unfortunately, on February 3, 2005, when an attempt was made by the Office of Finance to charge the fee, there were insufficient funds in the Deposit Account.

37 CFR 1.25 (a) and (b), which states in part:

1.25(a) ...An amount sufficient to cover all fee, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted.”

1.25 (b) ...An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.

In light of the non-compliance with 37 CFR 1.25, the holding of abandonment cannot be withdrawn.

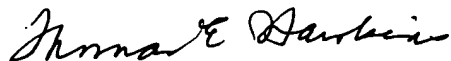
Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

- Under 37 CFR 1.137(a), a petition for the revival of an *unavoidably* abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an *unintentionally* abandoned application

Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 Office of Petitions
 P O Box 1450
 Alexandria, VA 22313-1450

Telephone inquires concerning this decision matter may be directed to the undersigned at 703 308-9250.



Thomas E. Hawkins
Paralegal Specialist
Office of the Director
Office of Patent Publications